



PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: May 21, 2007

PROJECT NUMBER/NAME:

CPAM 2005-0004, Eminent Domain and Protection of Existing Communities

DECISION DEADLINE: 90 days from Planning Commission Action

ELECTION DISTRICT: Countywide PROJECT MANAGER: Melanie Wellman,

EXECUTIVE SUMMARY

On March 20, 2007 the Board of Supervisors (BOS) voted 8-1 (Burton – no) to forward CPAM 2005-0004, Eminent Domain and Protection of Existing Communities to the Planning Commission for a public hearing no later than May, 2007 (Attachment 2). This CPAM was initiated by the Board on July 19, 2005 in response to the highly publicized Supreme Court case *Kelo v. City of New London, CT* (Attachment 3). Due to other CPAM priorities, the CPAM remained inactive. By the Board's action on March 20, the CPAM has been moved to active status.

The amendment proposes three changes to the Revised General Plan (Plan): 1) add policy language that opposes the use of eminent domain for economic development purposes Countywide; 2) remove language that calls for the redevelopment of established communities in the Suburban Policy area, and; 3) remove language that calls for the development of Town Centers in each of the four communities of the Suburban Policy Area, and more specifically, east of Route 28 (Attachment 1). The language, as proposed by the Board of Supervisors, would amend policies in Chapters 2, Planning Approach; Chapter 4, Economic Development; Chapter 6, Suburban Policy Area, Chapter 11, Implementation and the Glossary of the Plan.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward CPAM 2005-0004, Eminent Domain and Existing Communities to the Committee of the Whole for further discussion.

Or

2. I move an alternate motion.

I. BACKGROUND

The proposed amendment is the result of Board discussions regarding the recent United States Supreme Court ruling issued in the case of *Kelo v. New London*. The Court ruling broadens the concept of public use to allow local governments the power to take private property and turn it over to another private interest for the purposes of economic development. The Board opposes the ruling and through draft language in the CPAM, specifically wishes to state its intent to not use the power of eminent domain for economic development purposes.

The other component of the CPAM relates to the desired nature/character of the Suburban Community as it matures. The proposed CPAM emphasizes the revitalization, protection, and preservation of existing neighborhoods in the Suburban Policy Area rather than redevelopment. The proposed policies also limit the location of future community town centers in the two communities east of Route 28.

Public Input

A public input session was held on April 16, after the regularly scheduled public hearing. Three members of the public spoke. Concerns were raised regarding the unintended consequences of the proposed language in the Plan. One idea was raised of developing community plans instead of eliminating language related to the development of town centers east of Route 28. Two members of the public stated they support the proposed CPAM language. One member of the public suggested that a community meeting be held with Mr. Staton.

One email comment was received from the public, expressing concern that the insertion of language into the Plan placing limits on how eminent domain is used could have unintended consequences of invalidating future standard proffer language used in non-residential rezonings. This email was provided to the Planning Commission at the April 16th public inputs session.

Also, the Housing Advisory Board (HAB), in a memo to the Commission dated April 30, 2007 (Attachment 6), explained concerns that the proposed policies could preclude the future development of workforce housing related to town centers and transit oriented development. The HAB offered to provide the Planning Commission with additional input into the policies if needed.

II. ANALYSIS

Eminent Domain/Economic Development

The Revised General Plan (Plan) is silent on the use of eminent domain as an implementation strategy. This silence allows policymakers the flexibility to implement County's goals as they see fit. The Plan enables the Board to achieve its public responsibility to protect the best long-term interests of Loudoun County and its residents. Policies of the Plan integrate economic development planning with land use planning in order to sustain Loudoun's competitive advantage in a global market place and in recognition that an efficient, strong, diverse and

resilient economy is essential to the achievement of Loudoun's overall development objectives. Further, the creation of sustainable housing to assure that all existing and future County residents are served by a range of housing opportunities is inextricably linked to these economic development goals (*Revised General Plan, text, p. 2-5*).

Given the inherent flexibility of the planning approach specified in the Revised General Plan Community Planning staff believes that the proposed language is not necessary (Attachment 4). The Department of Economic Development states that eminent domain has never been envisioned as a tool for economic development (Attachment 5).

However, should the Commission wish to consider the proposed language further, Community Planning recommends the term "economic development" be more clearly defined. This definition should take into consideration the stated economic goals of the County and distinguish this type of development from other types of development where eminent domain may be appropriate, such as for public infrastructure (roads, schools, utilities).

Redevelopment

The Plan speaks to the completion of Community Plans, a specific planning process that provides the four Suburban Communities the opportunity to determine how their community will develop within the parameters of overall County goals and community identified needs and desires. Such a process allows for consideration of uses, densities, design, infrastructure, capital facilities, etc., and allows for the community to examine the continuum of choices for change, and strategies for addressing changes when the community determines that change is necessary.

To ensure that neighborhoods/communities maintain their current scale and density, the proposed CPAM amends several policies in Chapters 2 and 6 to remove the references to redevelopment while retaining revitalization policies and amending other policies to generally state that "established communities" or "established neighborhoods" will be preserved through revitalization plans. Staff is concerned that removing the word "redevelopment" from the Plan may limit choices for community during the Community Plan process. The Plan envisioned that opportunities for how and when communities redevelop in the Suburban Policy area will be established during the community plan process. The proposed policies reference revitalization plans to be developed in order to protect and preserve established communities. Revitalization plans could be considered as part of the community plan process, and could be developed in conjunction with this Comprehensive Plan Amendment.

The Department of Economic Development supports the need for community involvement as it relates to policy changes. Staff states that at times redevelopment is necessary and cites the rebuilding of Sterling Park retail as an example. Staff does not support the elimination of redevelopment policies from the Plan that could preclude any redevelopment from happening in the future.

Town Centers

The Plan defines a Town Center as a “mixed-use concentrated community core, which will serve as a downtown for each of the four suburban communities. A town center will emphasize pedestrian movement over vehicular movement to create a pedestrian-friendly environment, with a full complement of services and amenities” (*Revised General Plan, Glossary definition, p. G-11*). The proposed policy language removes language calling for Town Centers east of Route 28. In addition, the CPAM would eliminate the sentence which states that Town Centers in each community will be identified in the Community Plan process.

Making the proposed changes to the Revised General Plan preempts the community charting its desired path and limits flexibility in the development review process. The more specific and limiting the policy, the harder it will be to maintain flexibility in the reviews. As such, the community plan process has been established in the Plan to provide the Suburban Communities the flexibility to determine the best development options for them, up to and including, whether or not a Town Center is desired and areas for revitalization and/or redevelopment. As proposed, the policy language puts limits on these options.

Notwithstanding the above, this Plan amendment offers the opportunity to re-visit the Town Center policies and definition to examine the need for limitations on the number of mixed-use town center developments in the Suburban Policy Area. The Plan calls for one Town Center in each Suburban Community, and currently there are several approved and proposed developments called town centers in the Suburban Policy Area (Lansdowne, Brambleton, Arcola-proposed, and Kincora-proposed). None of these projects include the downtown community core type of Town Centers called for in the Plan. Staff also recognizes that currently there is only one zoning district that allows mixed-use development (Planned Development – Town Center or PD-TC) and this causes a disconnect between the policy intent and the implementation mechanism. Community Planning recommends the term and policies for “Town Centers” be reviewed to determine the need for the type and number of town centers in the Suburban Policy Area and whether the vehicles for implementation are available. Staff also believes that a community planning process for each of the four communities would be beneficial to determine whether Town Centers are appropriate.

IV. RECOMMENDATION

Redevelopment, revitalization, and Town Centers are issues that merit discussion within the context of Community Plans.

Until such time that Community Plans are initiated, staff recommends the Commission consider the following policy language changes:

- limit the use of eminent domain solely for public infrastructure needs (roads, schools, utilities) as it has been historically used in the County; and,
- replace the term “redevelopment” with “revitalization” and strike the term Town Center until such time that Community Plans are completed and terms are more clearly defined.

V. ATTACHMENTS

1. Proposed policy language for CPAM 2005-0004
2. Copy Teste, dated March 20, 2007
3. Copy Teste, dated July 19, 2005
4. Community Planning referral
5. Economic Development referral
6. Memo to Planning Commission from Housing Advisory Board

Contact: Melanie Wellman, Project Manager
 Department of Planning

**PROPOSED POLICY LANGUAGE FOR CPAM 2005-0004:
Eminent Domain and Protection of Existing Communities**

**Amend 'General Plan Strategy' text pertaining to the Suburban Policy Area
(Revised General Plan, Chapter 2 pg. 2-6):**

Over the next twenty years, it is anticipated that the Suburban Policy Area will continue to build out in a suburban pattern as a low-density fringe to the Washington, D.C. Metropolitan Region. The area will be characterized by a pattern of residential neighborhoods, town centers, and regional business centers linked by a substantial network of roads, linear parks, and open spaces. As existing neighborhoods mature, ~~redevelopment and~~ revitalization plans will be developed to ~~ensure the continuing vitality of these areas.~~ protect and preserve these established communities.

As express bus (expected in 2004) and eventually bus rapid transit (expected in 2010) and rail become available, higher-density land uses along major thoroughfares will become appropriated. Transit nodes and urban centers including a mix of uses and transportation nodes will develop. Very compact in form, they will be designed for full pedestrian access and served by mass transit. The first nodes will appear along the Dulles greenway corridor, where right-of-way exists for a rail transit corridor, and in-fill areas within existing developments. ~~"Downtowns" in each of the four communities will be considered as part of the redevelopment strategy to be detailed in the Community Plan process.~~

Add new Policy 16 under 'Economic Development Policies' (Revised General Plan, Chapter 4 pg 4-10):

16. Loudoun County will not exercise the power of eminent domain for economic development purposes.

Amend 'Land Use Pattern and Design' text (Revised General Plan, Chapter 6 pg. 6-2):

The County's vision for the Suburban Policy Area is that the four large communities increase in quality and become more distinct places. Policies below address ways to improve livability through (1) protecting and recapturing elements of the Green Infrastructure, including open space; (2) ensuring compatible and complementary infill development; and (3) revitalizing ~~and redeveloping the aging areas in the Suburban Policy Area.~~ existing neighborhoods in a way that protects and preserves our existing communities.

Amend Policy 13 under 'Land Use Pattern and Design Policies' (Revised General Plan, Chapter 6, pg. 6-7):

13. There will be ~~four (4) Town Centers~~ one (1) Transit-Oriented Development (TOD), one (1) Transit-Related Employment Center (TREC), and one (1) Urban Center in the Suburban Policy Area. Town Centers will be considered for development west of Route 28 in the Suburban Policy Area.

Amend 'A. Four Distinct Communities' text, bullet 2 (Revised General Plan, Chapter 6, pg. 6-8):

- ~~Each eCommunity~~ ies west of Route 28 will have a recognized Town Center. All communities will provide a full range of housing types, and provide for a diverse, stimulating social, cultural, recreational, and spiritual environment.

Delete 'E. Transportation' text, (Revised General Plan, Chapter 6, pg. 6-12):

~~With the advent of transit, it is important that the County plan land uses accordingly. The County will identify future transit areas as Town Centers in each of the four communities during the Community Plan process. These areas may be targeted for redevelopment to facilitate transit, such as bus. In addition, mixed-use communities that provide pedestrian-scale environments promote walking and bicycling, which reduces automobile trips.~~

Delete 'F. Infill, Revitalization, and Redevelopment' text (Revised General Plan, Chapter 6, pg. 6-15):

~~Although much of the Suburban Policy area has been developed, this area will continue to evolve. The County envisions redevelopment to concentrate density into four Town Centers within the four distinct communities. This type of redevelopment might be considered "vertical" development. As the second wave of development occurs, the County will encourage new growth into the compact Town Centers of the four communities. These downtown areas will be identified in the Community Plan process.~~

Amend Policy 2 under 'Infill, Redevelopment, and Revitalization Development Policies' (Revised General Plan, Chapter 6, pg. 6-15):

2. Redevelopment of existing uses will be based on the availability of adequate public facilities, transportation facilities, and infrastructure. The County desires the assemblage of small, adjacent under-utilized sites to achieve a consistent and compatible development pattern. Established residential communities will be protected and preserved through revitalization plans.

Amend Policy 7 under 'Infill, Redevelopment, and Revitalization Development Policies' (Revised General Plan, Chapter 6, pg. 6-15):

7. Higher density development as defined in the *Revised General Plan* will occur as redevelopment in the Suburban Policy Area in the Transit-Oriented Development, Urban Center, and in the Town Centers, or "community cores," of the ~~four~~ communities west of Route 28. These areas will have the highest densities in the Suburban Policy Area. The Town Centers will be identified during the Community Planning process.

Amend Policy 12 under 'Infill, Redevelopment, and Revitalization Development Policies' (Revised General Plan, Chapter 6, pg. 6-16):

12. The County will provide incentives and resources for the ~~redevelopment and revitalization of developed areas~~ established neighborhoods within the four communities to ~~retrofit neighborhoods to be pedestrian/bicycle oriented; to institute traffic calming, street lighting, and sidewalks;~~ preserve the quality of life in these areas, and to convert inefficient retail and commercial development.

Add new Policy 14 under 'Infill, Redevelopment, and Revitalization Development Policies' (Revised General Plan, Chapter 6 pg 6-16):

14. Loudoun County will not exercise the power of eminent domain for economic development purposes.

Amend '3. Town Centers' text (Revised General Plan, Chapter 6, pg. 6-19):

The Plan envisions that ~~each of the four~~ larger communities west of Route 28 will each have one Town Center. Town Centers serve as the "downtown" or community core of the four suburban communities. Town Centers must be compact and designed to accommodate pedestrian and vehicular traffic with a full complement of services and amenities.

Amend Policy 1 under 'Town Center Policies' (Revised General Plan, Chapter 6, pg. 6-19):

1. A Town Center functions as the "downtown" of each community with a mix of residential and business uses in a compact setting. ~~Each of the four~~ communities west of Route 28 will have a Town Center, the location of which will be determined in the Community Plan process.

Amend 'B. Suburban Community Design Guidelines' text (Revised General Plan, Chapter 11, pg. 11-5):

This Plan strongly endorses the development of ~~four~~ distinctive communities. For the communities west of Route 28, that this will include a mixed-use town center surrounded by residential neighborhoods and areas of natural open space to promote a sense of community, foster a pedestrian-friendly environment, lessen reliance on the automobile, and respect Loudoun's historic growth pattern of small towns surrounded by farms and open space.

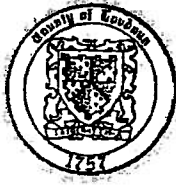
Amend '3. Town Centers' text (Revised General Plan, Chapter 11, pg. 11-10):

a. Function

~~Four~~ Town Centers will serve as the downtown ~~of each~~ of the ~~four~~ Suburban Policy Area communities. west of Route 28. A Town Center should have a lively, robust extrovert character suitable for employment, commercial, and public activities.

Amend the definition of Town Center (Revised General Plan, Glossary, pg. G-11):

Town Center: A mixed-use, concentrated community core, which will serve as a downtown for ~~each of the four~~ Suburban communities west of Route 28. A town center will emphasize pedestrian movement over vehicular movement to create a pedestrian-friendly environment, with a full complement of services and amenities.



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, March 20, 2007 at 9:30 a.m.

IN RE: BOARD MEMBER INITIATIVE: FORWARD OF DRAFT LANGUAGE FOR CPAM 2005-0004, EMINENT DOMAIN AND PROTECTION OF EXISTING COMMUNITIES, TO THE PLANNING COMMISSION FOR PUBLIC HEARING AND CONSIDERATION

Mr. Staton moved that the Board of Supervisors forward the draft amendments for CPAM 2005-0004 to the Planning Commission for a public hearing no later than their May public hearing.

Seconded by Mr. Delgaudio.

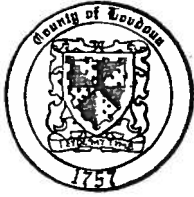
Voting on the Motion: Supervisors Clem, Delgaudio, Kurtz, Snow, Staton, Tulloch, Waters, and York - Yes; Supervisor Burton - No.

COPY TESTE:

DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

D:\my documents\2007 copyteste\03-06-07 bos-10-cpam 2005-0004 amendment to ph

This page intentionally left blank.



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, July 19, 2005 at 9:30 a.m.

PRESENT: Scott K. York, Chairman
Bruce E. Tulloch, Vice Chairman
James G. Burton
James E. Clem
Eugene A. Delgaudio
Sally Kurtz
Stephen J. Snow
Mick Staton Jr.
Lori L. Waters

IN RE: RESOLUTION AGAINST THE USE OF EMINENT DOMAIN FOR
ECONOMIC DEVELOPMENT PURPOSES / CPAM TO ADD POLICY
AGAINST USING EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT
PURPOSES AND OTHER PURPOSES

Mr. Staton moved to approve the resolution opposing the use of eminent domain for economic development purposes.

Mr. Staton further moved to initiate a Comprehensive Plan Amendment that will add policy language that disapproves of the use of eminent domain for economic development purposes, and to remove language from the Comprehensive Plan that calls for the redevelopment of ~~older~~ established communities, and language that calls for a Town Center in each of the four Suburban Policy Areas. The timing of this amendment would be determined when the board receives and update on the CPAM's underway and to be processed.

Seconded by Mr. Tulloch.

Mr. Burton requested for separation of the motion.

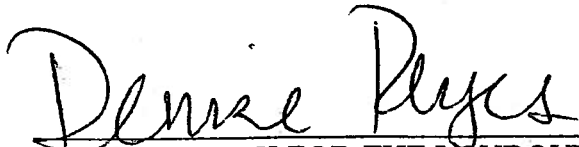
Voting on Mr. Staton's first Motion: Supervisors Burton, Clem, Delgaudio, Kurtz, Snow, Staton, Tulloch, Waters, and York - Yes; None - No.

Voting on Mr. Staton's first part of the second Motion: Supervisors Burton, Clem, Delgaudio, Kurtz, Snow, Staton, Tulloch, Waters, and York - Yes; None - No.

Voting on Mr. Staton's second part of the second Motion referencing removal of language from the Comprehensive Plan: Supervisors Clem, Delgaudio, Kurtz, Snow, Staton, Tulloch, Waters, and York - Yes; and Supervisor Burton - No.

July 19, 2005

COPY TESTE:



DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

C:\my documents\resolutions\2005 resolutions\07-19-05 bos resolution -ze-eminent domain

Resolution in Opposition to the Use of Eminent Domain for Economic Development Purposes

WHEREAS on June 23rd, the United States Supreme Court issued a ruling in the case of Kelo v. New London that grants local governments the broad power to take private property and turn it over to another private interest for the purposes of economic development, and

WHEREAS this ruling broadens the concept of public use to include taking property from one private landowner and giving it to another private landowner for a private sector use, and

WHEREAS the Loudoun County Board of Supervisors recognizes and respects the private property rights of all its citizens, and

WHEREAS this ruling represents a serious threat to the concept of private property,

NOW, THEREFORE BE IT RESOLVED That the Loudoun County Board of Supervisors opposes the ruling of the United States Supreme Court in the matter of Kelo v. New London, and pledges not to use the power of eminent domain for economic development purposes.

BE IT FURTHER RESOLVED that the Loudoun County Board of Supervisors requests its representatives in the General Assembly to introduce and support legislation that will limit the definition of 'public use' to exclude economic development.

Chapter 2 Planning Approach

The strategy for residential densities is to start with higher densities around transit nodes and urban centers in the Suburban Policy Area, moving to lower clustered suburban densities in the Transition Policy Area and then to still lower rural by right densities in the Rural Policy Area. This approach provides an internally consistent density pattern that provides an appropriate location for all of the County's desired housing types, lot sizes, neighborhoods, and communities.



Over the next 20 years, the Suburban Policy Area will continue to build out in a pattern of residential neighborhoods, town centers, and regional business centers linked by a network of roads, linear parks, and open spaces.

The Plan reaffirms an Urban Growth Boundary (UGB) beyond which central sewer and water is not allowed. Beginning in the north, the UGB follows the Suburban Policy Area boundary to the point where it joins with the western edge of the Lower Foley subarea. There is also a UGB that applies to the Towns. Where there are Town Joint Land Management Areas (JLMAs) the boundaries of the JLMA serve as the UGB.

a. Suburban Policy Area

Eastern Loudoun is the Suburban Policy Area. The Plan identifies four large communities: Ashburn, Dulles, Potomac, and Sterling. Each will be the subject of individual Community Plans to ensure that they are well designed and serviced and that they provide diverse and stimulating social, cultural, recreational and spiritual environments for their residents.

Over the next twenty years, it is anticipated that the Suburban Policy Area will continue to build

to the Washington D.C. Metropolitan Region. The area will be characterized by a pattern of residential neighborhoods, town centers, and regional business centers linked by a substantial network of roads, linear parks, and open spaces. As existing neighborhoods mature, redevelopment and revitalization plans will be developed to ensure the continuing vitality of these areas. A "hard" utility edge (marking the limits of central sewer and water) is maintained by the western boundary of the Suburban Policy Area establishing an urban growth boundary.

As express bus (expected in 2004) and eventually bus rapid transit (expected in 2010) and rail become available, higher-density land uses along major thoroughfares will become appropriate. Transit nodes and urban centers including a mix of uses and transportation modes will develop. Very compact in form, they will be designed for full pedestrian access and served by mass transit. The first nodes will appear along the Dulles Greenway corridor, where right-of-way exists for a rail transit corridor, and in in-fill areas within existing developments. "Downtowns" in each of the four communities will be considered as part of the redevelopment strategy to be detailed in the Community Plan process.



Unpaved roads are an integral part of the Rural Policy Area's character, and maintaining this character is of paramount importance.

County of Loudoun
Department of Planning
MEMORANDUM

DATE: May 1, 2007

TO: File CPAM 2005-0004,
Eminent Domain and Protection of Existing Communities

FROM: Melanie Wellman, Planner
Community Planning

SUBJECT: CPAM 2005-0004, Eminent Domain and Protection of Existing Communities

EXECUTIVE SUMMARY

On March 20, 2007 the Board of Supervisors (BOS) forwarded Comprehensive Plan Amendment (CPAM) 2005-0004, Eminent Domain and Protection of Existing Communities to the Planning Commission for review. The language, as proposed by the Board of Supervisors, would amend policies in Chapters 2, Planning Approach; Chapter 4, Economic Development; Chapter 6, Suburban Policy Area, Chapter 11, Implementation and the Glossary of the Revised General Plan (Plan). More specifically, the amendment would: 1) add policy language that disapproves of the use of eminent domain for economic development purposes Countywide; 2) remove language that calls for the redevelopment of established communities in the Suburban Policy area, and; 3) remove language that calls for the development of Town Centers in the Suburban Communities east of Route 28.

BACKGROUND

The proposed amendment is the result of BOS discussions regarding the recent United States Supreme Court ruling issued in the case of Kelo v. New London. The Court ruling broadens the concept of public use to allow local governments the power to take private property and turn it over to another private interest for the purposes of economic development. The Board opposes the ruling and through draft language in the CPAM, specifically wishes to state its intent to not use the power of eminent domain for economic development purposes.

The other component of the CPAM relates to the desired nature/character of the Suburban Community as it matures. The proposed CPAM emphasizes the revitalization, protection, and preservation of existing neighborhoods in the Suburban Policy Area rather than redevelopment. The proposed policies also limit the location of future community town centers in the two communities east of Route 28.

Community Planning has reviewed the draft CPAM policies and offers the following comments and recommendations.

ANALYSIS

Eminent Domain/Economic Development

The CPAM is proposing a new policy be added to Chapter 4, Economic Development, which states that, Loudoun County will not exercise the power of eminent domain for economic development purposes (Attachment 1, pg. 1).

The Revised General Plan (Plan) is the policy foundation for land development in the County. The Plan is a document which represents the planning vision of the Board of Supervisors, the Planning Commission, and through the invaluable input of the community (Revised General Plan, Planning Approach, text, p. 2-5).

Loudoun's economic development strategy addresses four key economic development principles, including "maintaining Loudoun's high quality of life, which includes providing excellent schools, affordable housing, recreational opportunities, adequate infrastructure, efficient public services, and, aesthetically pleasing open space; diversifying the local economy so that it is not overly dependent on a particular industry sector; managing growth so that the County can provide adequate public services and continue to be financially sound; and, coordinating with Loudoun's incorporated Towns and rural economic sectors to achieve balanced policy making, planning and monitoring, for the successful implementation of the economic development strategy" (Revised General Plan, text, p. 4-2). This economic strategy is a community strategy and makes five commitments to the community in the form of the following goals: foster a prosperous business environment conducive to the growth, competitiveness, and expansion of business; create a globally recognized technology to further and diversify Loudoun's economy; maintain the sound fiscal health of Loudoun County; develop an innovative Rural Economy that is compatible with Loudoun's rural character; and, become a premier visitor's destination that serves as a regional hub for domestic and international visitors and provides world-class service" (Revised General Plan, text, p. 4-2).

The Plan is silent on the use of eminent domain as an implementation strategy. This silence allows policymakers the flexibility to implement County's goals as

they see fit. The Plan enables the Board to achieve its public responsibility to protect the best long-term interests of Loudoun County and its residents. Policies of the Plan integrate economic development planning with land use planning in order to sustain Loudoun's competitive advantage in a global market place and in recognition that an efficient, strong, diverse and resilient economy is essential to the achievement of Loudoun's overall development objectives. Further, the creation of sustainable housing to assure that all existing and future County residents are served by a range of housing opportunities is inextricably linked to these economic development goals (Revised General Plan, text, p. 2-5).

Given the inherent flexibility of the planning approach specified in the Revised General Plan staff believes that the proposed language is not necessary.

Should the Commission wish to consider the proposed language further, staff recommends the term "economic development" be more clearly defined. This definition should take into consideration the stated economic goals of the County and distinguish this type of development from other types of development where eminent domain may be appropriate, such as for public infrastructure (roads, schools, utilities).

Staff finds that the proposed policy language is not necessary. However, should the Commission wish to consider this policy change further, staff recommends the term "economic development" be more clearly defined.

Redevelopment

The Plan recognizes that the Suburban Policy Area will continue to develop in a suburban pattern as a low-density fringe to the Washington, D.C. Metropolitan Region and as existing neighborhoods mature, redevelopment and revitalization plans will be developed to ensure the continuing vitality of these areas (Revised General Plan, text, p. 2-6).

The Plan speaks to the completion of Community Plans, a specific planning process that provides the four Suburban Communities the opportunity to determine how their community will develop within the parameters of overall County goals and community identified needs and desires. Such a process allows for consideration of uses, densities, design, infrastructure, capital facilities, etc., and allows for the community to examine the continuum of choices for change, and strategies for addressing changes when the community determines that change is necessary.

To ensure that neighborhoods/communities maintain their current scale and density, the proposed CPAM amends several policies in Chapters 2 and 6 to remove the references to redevelopment while retaining revitalization policies

and amending other policies to generally state that "established communities" or "established neighborhoods" will be preserved through revitalization plans. Staff is concerned that removing the word "redevelopment" from the Plan may limit choices for community during the Community Plan process. The Plan envisioned that opportunities for how and when communities redevelop in the Suburban Policy area will be established during the community plan process. The proposed policies reference revitalization plans to be developed in order to protect and preserve established communities. Revitalization plans could be considered as part of the community plan process, and could be developed in conjunction with this Comprehensive Plan Amendment.

Staff recommends the terms "redevelopment", "revitalization", "established communities", and "established neighborhoods" be clearly defined and discussed, and that the policies where the word "redevelopment" is proposed be removed from the Plan and reevaluated based on this discussion. In addition, staff recommends that the development of revitalization plans be examined as part of the community plan process.

Town Centers

The Plan acknowledges that the Suburban Policy area will continue to evolve, and that as this occurs any additional density gained through redevelopment be concentrated into four Town Centers within the four distinct communities.

The Plan defines a Town Center as a "mixed-use concentrated community core, which will serve as a downtown for each of the four suburban communities. A town center will emphasize pedestrian movement over vehicular movement to create a pedestrian-friendly environment, with a full complement of services and amenities" (*Revised General Plan, Glossary definition, p. G-11*). Existing Plan policies state that, "there will be four (4) Town Centers one (1) Transit-Oriented Development (TOD), one (1) Transit-Related Employment Center (TREC), and one (1) Urban Center in the Suburban Policy Area (*Revised General Plan, Policy 13, p. 6-7*). Each community will have a recognized Town Center, provide a full range of housing types, and provide for a diverse, stimulating social, cultural, recreational, and spiritual environment (*Revised General Plan, text, p. 6-8*). The Plan envisions that the Town Centers in each of the four communities also would serve as future transit areas and consequently should have land use (density) to support transit.

The proposed policy language removes language calling for Town Centers east of Route 28. In addition, the CPAM would eliminate the sentence which states that Town Centers in each community will be identified in the Community Plan process.

Making the proposed changes to the Revised General Plan preempts the community charting it's desired path and limits flexibility in the development review process. The more specific and limiting the policy, the harder it will be to maintain flexibility in the reviews. As such, the community plan process has been established in the Plan to provide the Suburban Communities the flexibility to determine the best development options for them, up to and including, whether or not a Town Center is desired and areas for revitalization and/or redevelopment. As proposed, the policy language puts limits on these options.

Notwithstanding the above, this Plan amendment offers the opportunity to re-visit the Town Center policies and definition to examine the need for limitations on the number of mixed-use town center developments in the Suburban Policy Area.

The Plan calls for one Town Center in each Suburban Community, and currently there are several approved and proposed developments called town centers in the Suburban Policy Area (Lansdowne, Brambleton, Arcola-proposed, and Kincora-proposed), but have not been the downtown community core type of Town Centers called for in the Plan. Staff also recognizes that currently there is only one zoning district that allows mixed-use development (Planned Development – Town Center or PD-TC) and this causes a disconnect between the policy intent and the implementation mechanism.

Staff recommends the term and policies for "Town Centers" be reviewed to determine the need for the type and number of town centers in the Suburban Policy Area and whether the vehicles for implementation are available. Further, as discussed above, staff recommends a community planning process for each of the four communities to determine whether Town Centers are appropriate.

RECOMMENDATIONS

Staff finds that the proposed policy language regarding eminent domain is not necessary. Staff is concerned that the proposed policy language relating to redevelopment and Town Center may have the unintended consequence of limiting development options that may be established as part of the specified Community Plan process.

Attachment: Proposed policies, CPAM 2005-0004,
Eminent Domain and Protection of Existing Communities

cc: Julie Pastor, AICP, Director, Planning
John Merrithew, AICP, Assistant Director, Planning
Cynthia L. Keegan, AICP, Program Manager, Community Planning

This page intentionally left blank.

COUNTY OF LOUDOUN
Department of Economic Development

REFERRAL

DATE: May 27, 2007

TO: Melanie Wellman, Project Manager

FROM: Robyn Bailey, Economic Development

SUBJECT: CPAM 2005-0004, Eminent Domain and Protection of Existing Communities

Description

The Department of Economic Development offers the following comments related to the CPAM 2005-0004, Eminent Domain and Protection of Existing Communities.

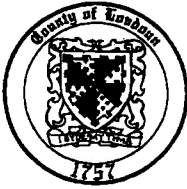
Evaluation

The Department of Economic Development's core mission is to support the formation, expansion, retention, and location of appropriate industries and businesses in Loudoun and the region. Successful economic development increases the community's capacity to generate wealth; one result of this is a local government with the sustained fiscal strength necessary to develop a high quality community while keeping tax rates competitive.

The Department of Economic Development offers the following comments on the proposed policy changes related to the use of eminent domain and redevelopment of communities east of Route 28.

1. The use of eminent domain for economic development has not been considered or envisioned as a tool for the Department of Economic Development.
 2. The Department of Economic Development supports the current policy that encourages the community involvement related to policy changes.
 3. The Department of Economic Development supports revitalization of aging neighborhoods in order to keep them vibrant and viable. At times, redevelopment is necessary, such as the rebuilding and re-tenanting of Sterling Park retail (new Safeway). The Department of Economic Development suggests that the policy remain silent on redevelopment rather than eliminating this possibility. Eliminating the possibility of redevelopment may lead to unintended consequences and prevent the market from correcting itself when necessary, or deprive property owners of the opportunity to profit by serving the community better through commercial redevelopment.
-

This page intentionally left blank.



Loudoun County, Virginia
Housing Advisory Board



April 30, 2007

Robert J. Klancher, Chairman
Loudoun County Planning Commission
1 Harrison Street SE, 3rd Floor
PO Box 7000
Leesburg, VA 20177-7000

Dear Bob,

On behalf of the Loudoun County Housing Advisory Board, I want to thank you for your outreach in relation to CPAM 2007-0001, Housing Policies. We look forward to working with the Planning Commission to move this update to the county's housing policies forward through the public input process.

On an unrelated matter, I wanted to let you know that the Housing Advisory Board received and reviewed CPAM 2005-0004, Eminent Domain and Protection of Existing Communities. Our review concluded that the changes proposed in this document could have implications for the future development of workforce housing, potentially affecting such favorable conditions as town centers with transit oriented development, etc. The proposed language appears to preclude such future possibilities. The Housing Advisory Board favors an approach which offers a positive vision for the future over one which appears to primarily eliminate possibilities.

As you may recall, the Housing Advisory Board was created by the Board of Supervisors in June 2005. Our purpose is to serve as a resource to the Supervisors on policies and programs that develop and sustain affordable workforce housing in the county. We recognize that CPAM 2005-0004 does not directly address this issue. Yet we believe the proposed changes could adversely affect our future ability to narrow the large gap between supply and demand of workforce housing for our teachers, first responders, and others who currently cannot afford to live where they work. We are certainly available to the Planning Commission for further input on this topic if that would be helpful.

Many thanks for your leadership on the Planning Commission. The Housing Advisory Board looks forward to continuing the productive working relationship we established with the Commission last summer, when work on updating the housing policies first got underway.

Sincerely,

Tamar Datan Johnston, Chairman
Loudoun County Housing Advisory Board

This page intentionally left blank.